

## Article - Public Utilities

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§29–102.

(a) (1) Except as provided in paragraph (2) of this subsection, a person who violates a watershed regulation adopted under § 17–403 of this article has committed a Commission infraction.

(2) A Commission infraction does not include a violation of a watershed regulation declared by law to be a criminal offense.

(3) The Commission may:

(i) establish a schedule of preset fines for each conviction of a Commission infraction under this section;

(ii) impose a preset fine not to exceed \$150 for each conviction of a Commission infraction under this section; and

(iii) impose a preset fine not to exceed \$300 for a repeat offense.

(4) The recipient of a citation for a Commission infraction shall pay the fine to the Commission within 20 calendar days after the receipt of the citation.

(b) (1) (i) A Commission police officer may issue a citation to any person charged with committing a Commission infraction.

(ii) The Commission shall:

1. retain a copy of the citation; and

2. include on the citation a certification attesting to the truth of the matter specified in the citation.

(2) The citation also shall contain:

(i) the name and address of the person charged;

(ii) the nature of the Commission infraction;

(iii) the location and time that the Commission infraction occurred;

(iv) the amount of the civil fine assessed for the Commission infraction;

(v) the manner, location, and time in which the fine may be paid to the Commission; and

(vi) notice of the person's right to a trial for the Commission infraction.

(c) (1) A person who receives a citation for a Commission infraction under this section may elect to stand trial by filing with the Commission a notice of the person's intent to stand trial.

(2) The notice of intent to stand trial shall be given at least 5 days before the payment due date specified in the citation.

(3) On receipt of the notice of intent to stand trial, the Commission shall forward to the District Court having venue a copy of the citation and a copy of the notice of intent to stand trial that was filed by the person who received the citation.

(4) On receipt of the citation and the notice of intent to stand trial, the District Court shall schedule the case for trial and notify the defendant of the trial date.

(5) The District Court shall remit to the Commission all fines, penalties, or forfeitures the Court collects for Commission infractions.

(d) (1) If a person who receives a citation for a Commission infraction fails to pay the fine by the payment due date specified in the citation and fails to file a notice of the person's intent to stand trial for the offense, the Commission shall send a notice of the Commission infraction to the person's last known address.

(2) A person who fails to pay the fine within 15 days after the date of the notice is liable for an additional fine not to exceed twice the original fine.

(3) (i) If the fine is not paid within 35 days after the date of the notice, the Commission may request adjudication of the case through the District Court, which may include the filing of a demand for judgment on affidavit.

(ii) On receipt of the request for adjudication, the District Court promptly shall schedule the case for trial and summon the defendant to appear.

(4) If the defendant fails to respond to the summons and the Commission has made a proper demand for judgment on affidavit, the District Court shall enter judgment against the defendant in favor of the Commission in the amount then due.

(e) A person found by the District Court to have committed a Commission infraction shall pay a fine not to exceed:

(1) \$150 for a first offense; or

(2) \$300 for a repeat offense.

(f) (1) For the purpose of this section, a Commission infraction is a civil offense.

(2) The adjudication of a Commission infraction:

(i) is not a criminal conviction; and

(ii) does not impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(g) In a proceeding for a Commission infraction before the District Court, the violation shall be prosecuted in the same manner and to the same extent provided for municipal infractions under §§ 6–108 through 6–110, 6–112, and 6–114 of the Local Government Article.

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